

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSEPH M. MONTE,

Defendant.

8:10-cr-00245-LES-FG3

ORDER

This matter is before the court on defendant's motion to extend the pretrial motion deadline (#18), due to defense counsel's scheduling conflict. For good cause shown,

IT IS ORDERED that defendant's motion to extend the pretrial motion deadline (#18) is granted, as follows:

1. Joseph M. Monte is given an extension of time until and including **February 4, 2011** in which to file pretrial motions.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, **the time between January 24, 2011 and February 4, 2011**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because the failure to grant a continuance would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. 3161(h)(7)(A) & (B)(iv).
3. Defendant, Joseph M. Monte, shall file an affidavit or declaration regarding speedy trial, in compliance with NECrimR 12.1(a), as soon as is practicable.

DATED January 25, 2011.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge